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**EPA PROJECT OFFICER POST-AWARD EVALUATION PROTOCOL**  
**(USED FOR ADVANCED AND BASELINE MONITORING)**  
**CHESAPEAKE BAY PROGRAM OFFICE (CBPO)**

**BACKGROUND INFORMATION (PART 1)**

<b>SIX MONTH:</b> yes	<b>GRANT NUMBER(s):</b> FY 2013-17 CB96317101	
<b>1. DATE PREPARED:</b> 11/22/13	<b>2. RECIPIENT NAME:</b> PA DEP	
<b>3. ENTER ALL DATES:</b>  <b>a. OFF-SITE CONFERENCE CALL DATE:</b> 11/21/13  <b>b. ON-SITE REVIEW DATE:</b> N/A (enter date if applicable, otherwise N/A)  <b>c. REPORT DATE:</b> 11/22/13 (Date Report Sent by Email to Grantee)  <b>d. CLOSED DATE:</b> 11/25/13 (Date all major issues resolved, if applicable, otherwise this date is same as Report Date.)	<b>4. PROJECT OFFICER(s):</b> Nita Sylvester  <b>PARTICIPANTS/PERSONS CONTACTED:</b> (Names /Affiliations)  - <b>EPA:</b> Nita Sylvester  - <b>GRANTEE:</b> Steve Taglang, Fred Fiscus, David Lewis of PA DEP	
<b>5. TYPE OF EVALUATION:</b> Off-site Evaluation		
<b>6. <u>AWARD INFORMATION</u></b>  Grant	<b>8. <u>PROJECT / BUDGET PERIOD DATES:</u></b>	
	<b>BEGINNING</b>	<b>ENDING</b>
	Project Period: 11/1/12	9/30/17
	Budget Period: 11/1/12	9/30/17
<b>7. <u>AWARD AMOUNT</u></b> (as of 9/30/13)  EPA share: \$5,077,099 (FY12 CBPO: \$2,666,819; FY12 WPD: \$250,000; FY13 CBPO: \$2,160,280)  Recipient share/Match: \$5,077,099 (FY12: \$2,916,819; FY13: \$2,160,280)  Total: \$10,154,198	<b>9. <u>BRIEF PROJECT DESCRIPTION:</u></b> This project contains activities designed to reduce nutrient and sediment loads that cause or contribute to the impairment of water quality standards in the Chesapeake Bay and its tidal tributaries. This work will help to achieve and maintain the water quality necessary to improve the aquatic system health of the Chesapeake Bay ecosystem.	

**10. PROVIDE BRIEF DESCRIPTION OF RECIPIENT:** Response: The state of PA is a signatory to the 1983, 1987 and 2000 Chesapeake Bay agreements. The DEP is the lead state agency for implementing Bay restoration and water quality improvement activities in the Potomac and Susquehanna river basins.

**11. DESCRIBE THE GRANT WORK-PLAN COMMITMENTS:**

- **#1 Outreach and Education** This objective will increase the outreach, education and training activities for agricultural operations and stormwater management.
- **#2 Enforcement and Compliance Assurance** Improved enforcement and compliance assurance through enhanced implementation of Pennsylvania's existing regulatory requirements. This objective will increase staff resources for compliance monitoring, enforcement follow-up, reviews, reporting, inspections, and corrective actions. These current regulatory requirements include the Chapter 102 Erosion & Sediment Control regulations, Chapter 91.36 regulations addressing ag operations, Concentrated Animal Feeding Operation (CAFO) program, NPDES Stormwater Construction and Pennsylvania's Stormwater Management Act. Note: Funding in the current CBRAP does not extend beyond 2016. The activities in the WIP and Bay milestones are found in 2017, so additional funding will be necessary in 2017 to meet the milestones and Bay WIP activities. This objective funds staff positions that are specified in Pennsylvania's WIP and their activities through 2017 are specified in the WIP. This objective funds staff positions that will be eliminated in 2014 if funds from this CBRAP #2 are not approved. Because EPA cannot extend current CBRAP agreement and funding beyond 2016, and EPA cannot guarantee funding will be available beyond this current CBRAP #2/FY2012-13 funds, it is appropriate for this additional funding to be awarded through this new CBRAP #2 grant application. If funding for CBRAP is available in 2014, which is not guaranteed, additional objectives may then be considered. Pennsylvania must maintain these staff positions beyond 2014, as they are a critical component of Pennsylvania's Bay WIP and the CBRAP funds are the only available option to fund these staff positions.

**#3 Nutrient Management Compliance Assurance.** Improved enforcement and compliance assurance through supplementation and/or enhancement of the existing conservation district Nutrient Management Technician capabilities to implement Pennsylvania's existing regulatory requirements and the Manure Management Manual (MMM). This objective will increase staff resources for compliance monitoring, complaint assessment, non-compliance follow-up, referrals of enforcement cases, reviews, reporting, inspections, and corrective actions. Note: Funding in the current CBRAP does not extend beyond 2016. The activities funded by this objective are specified in Pennsylvania's WIP. CBRAP was specifically identified in the WIP as the source of funds for this activity and no other source of funds is available. WIP activities and Bay milestones are found in 2017, so additional funding will be necessary in 2017 to meet the milestones and Bay WIP activities. This objective specifically funds conservation staff positions that address manure management activities. This is accomplished through a formal delegation agreement. This delegation agreement begins in July 2012 and runs through 2017. Pennsylvania delegation agreements with conservation districts are five-year agreements and deviation from the five-year time frame is not possible. Because the current CBRAP grant ends in 2016, the final year of this delegation agreement will be unfunded in 2016 if funds from this CBRAP #2 are not approved. Because EPA cannot extend current CBRAP funding beyond 2016, and EPA cannot guarantee funding will be available beyond this current CBRAP #2/FY2012-13 funds, it is appropriate for this additional funding to be awarded through this new CBRAP #2 grant application.

- As noted, DEP will not draw down funds for this objective until the time period of July 2016-June 2017. If DEP were to wait until “later” to request funds to support this delegation agreement, and no funds were available, irreparable damage to the relationship between DEP and the 38 conservation districts that address these important activities.
- **#4 Improved Tracking and Accountability** Improved tracking of point and non-point sources of pollution to better report data for the Chesapeake Bay program. This objective will increase Pennsylvania’s abilities to adequately report existing non-point source BMPs, improve the data management systems Pennsylvania utilizes to track Bay information, and improve the management of Pennsylvania’s geospatial and database information by coordinating the efforts of program staff and information technology staff. Note: The initial CBRAP grant identified and addressed the critical components of Pennsylvania’s efforts to implement the Bay WIP. The basic components of the WIP, and Pennsylvania’s identified critical activities, have not changed and remain necessary to achieve the Bay WIP. The Objective itself – “Improved Tracking and Accountability” – is a generic description of activities necessary to implement the WIP. Some of the activities found in this objective are similar, but not duplicative, of activities in the “data” objective in the current CBRAP. Other activities, particularly those related to stormwater, are not found in the “data” objective in the current CBRAP. These specifically include about \$75,000 for data management tools for stormwater and MS4 programs and \$99,500 for contract with Penn State to improve collection of unaccounted for BMPs. These activities, particularly the concept of how to ‘count’ these in the model and what to do about the “old” BMPs were not contemplated when the current CBRAP grant was developed two years ago. In addition, funding in the current CBRAP does not extend beyond 2016. Activities in the WIP and Bay milestones are found in 2017, so additional funding will be necessary in 2017 (and beyond) to meet the milestones and Bay WIP activities. Unless EPA can extend current CBRAP agreement and funding beyond 2016, guarantee funding will be available beyond this current CBRAP #2/FY2012-13 funds, or allow Pennsylvania to condition meeting 2017 milestones and Bay WIP activities upon available funding, it is appropriate for this additional funding to be awarded through this new CBRAP #2 grant application.
- **#5 Electronic Discharge Monitoring Report (eDMR) System** The Pennsylvania Department of Environmental Protection’s (PADEP’s) current eDMR system has been in use for over four years with approximately 1,600 sewage, industrial waste and stormwater facilities using the system. Use of the eDMR system is required for significant Chesapeake Bay dischargers and voluntary for other NPDES permittees. Unfortunately, the current eDMR system requires constant maintenance and there are fundamental problems cannot be fixed. PADEP sought alternative eDMR systems but concluded that none exist to meet its business needs. PADEP is now in the process of building a new eDMR system that will not only prepare it for the proposed NPDES eReporting Rule, but will also provide the data necessary to better manage the state program, including but not limited to Bay compliance tracking. The additional funding will provide for additional contractor(s) on this project to ensure the goals in the work plan are met. This system is also expected to provide a mechanism for NPDES mining permittees to report electronically.
- *NOTE: The following objectives (6-8) were added after the reporting period covered by this monitoring review (10/1/12-6/30/13), in association with FY13 funds added to this grant on 9/30/13.*
- **#6 Nutrient Trading Program Enhancement Continuation** This project involves working with university researcher(s) to evaluate a number of different modeling tools developed by EPA, USDA,

Penn State and DEP to provide a credit calculation tool or tools using a performance based approach to potential credit generators. Tools to be considered include the USDA NTT tool, the NutrientNET tool now used by Maryland, the MapSHED model used by DEP to develop TMDL, and variations of the Watershed Model such as CAST. In the evaluation of the various calculation tools, PA will give consideration to EPA National trading policies, guidance and the technical memorandums Region 3 has developed.

- **#7 Mobile Platform for Water Quality Inspections** PADEP performs approximately 5,000 field inspections of sewage, industrial waste and industrial stormwater facilities each year. PADEP will soon be implementing a municipal stormwater inspection program as well. The inspection reports are typically filed in paper format in regional offices. The program desires the ability to have inspection reports completed in electronic format, with data transfer to PADEP's enterprise data system, and storage of inspection reports in PDF format. The goal of this objective is to improve the management of inspection reports and eventually allow access to the reports by the public and EPA, for improved transparency. Inspectors will be provided laptops (if they do not already have them) with standardized electronic inspection forms, complete the forms in the field, and upload the data upon returning to the office.
- **#8 CAFO Permit Implementation Improvements and Program Assessment** Improve/expand regulation of sources of nitrogen, phosphorus and sediment delivered to the Bay through focused implementation of Pennsylvania's existing CAFO permitting regulatory requirements. This objective will increase staff DEP regional staff resources to consolidate all CAFO permit issuance and renewal for the Chesapeake Bay watershed into a single regional office. This will ensure consistent implementation of CAFO permit requirements across the watershed. This objective will increase DEP's capability to address EPA's information requests associated with the EPA/CBF settlement CAFO assessment. DEP will utilize these CBRAP funds to support additional staff resources to support EPA's evaluation of Pennsylvania's animal agriculture programs.

## **12. DISCUSS PREVIOUS RECOMMENDATIONS/CONCERNS/OPEN PROGRAMMATIC FINDINGS, IF ANY EXIST; ARE THEY OR WILL THEY BE REMEDIED?:**

a. If applicable, Previous Recommendations/Concerns listed in this Item 12 on Last Monitoring Review Report. Discuss if they will or will not be remedied? Response: N/A

b. Open Programmatic Findings in Last Monitoring Review (Refer to Part II, Item 7, PO Suggestions and Recommendations). If applicable, are there any open programmatic findings for this Award in last monitoring review (could not provide a "closed date" on last monitoring review report because of major finding(s))? Provide date of resolution and explanation on how finding(s) have been resolved. Response: N/A

## **RESULTS OF REVIEW WITH RECOMMENDATIONS (success & findings) - PART II**

### **1. Scope of Review: Summarize the purpose of your review.**

If appropriate, list issues that will be raised for resolution during the review (e.g., need response on why the recipient spent half of the grant award and hasn't produced a literature review).

Response: The purpose of this review is to determine progress on the variety of projects completed under the FY'13-17 Chesapeake Bay Regulatory and Accountability Program (CBRAP) Grant from 10/1/12- 6/30/13. PA submitted their semi-annual report under this grant on 10/16/13. EPA requested revisions, PA made them, and EPA accepted the report on 11/22/13. This review is based upon the revised progress report.

**2. Financial: POs are responsible for:**

**>Analyzing the budget information in the reports by reviewing the payment history (using recipient progress reports, Financial Status Reports, or Financial Data Warehouse reports) and comparing actual amounts spent against the planned budget in the work plan.**

**>Providing rebudget approval to the Grants Specialist on the recipients request to rebudget grant funds or on other actions which require prior approval from EPA.**

**PO to Review, Discuss, and Respond:**

**a. Is this award incrementally funded?** Response: no

**b. Has the recipient begun work under this assistance agreement?** Response: yes

**c. Ensure funds are available to complete the project:**

**Answer the following:** As of 10/30/13

\*Amount of EPA funds awarded: \$5,077,099 for five years of work: \$2,916,819 (10/23/2012); 2,160,280 (9/30/13)

\*Amount of EPA funds paid: \$66,038 (as of 10/30/13)

\*Remaining Balance: \$5,011,061 to be spent by 6/30/17

% of Project Completed: 1% \*\*

% of Funds Paid: 1% of EPA funds have been expended through 10/30/13 (See item f. for explanation.)

\* Information found on Financial Data Warehouse Report at <http://ocfosystem1.epa.gov/neis/adw.welcome>

\*\*This monitoring review covers activities to be completed through 6/30/13. Most activities for this grant were not expected to begin until the next reporting period however, output F under objective #1 ("4-6 training sessions on PAG-02 in winter-spring 2013") and output E under objective #5 ("EPA and DEP will negotiate an implementation plan by March 1, 2013") are behind schedule.

**d. Has the recipient made any drawdowns on this award since the award date or last monitoring review?** Response: yes

**e. Is the payment history consistent with the progress to date?** Response: yes

**f. Are the expended and remaining funds reasonable?** Response: Remaining Balance EPA funds: 5,011,061 to be spent by 6/30/17. PA provided the following information in their progress report: "Limited expenditures compared to "average" due to several factors, including the planned expenditures for Objective #2 and Objective #3 not starting until 2014 and 2016, the drawdown of CBRAP #1 expenditures first, and the miscoding of Objective #5/ eDMR project charges to another source of funds. The coding was changed and expenditures for Objective #5 are now being charged to this CBRAP #2 grant.

Please note that no state matching funds were coded to this grant in the reporting period. As such, one-half of the grant could not be expended. When the new Growing Greener grants are announced in 2013, State Fiscal year 2013-14 funds will be able to be coded to this grant. This will increase the amount of

funds expended in future reports. DEP also corrected the coding problem on Objective #5. DEP also expects that Objective #5 implementation will accelerate given the additional funds provide in most recent allocation. It is also important to note that a large portion of the grant - approximately \$4.9 million - was not planned/projected to begin spending until the FY2014-15. Expenditures for the tasks in Objective #2 are not projected to begin until FY 2014-15; Expenditures for Objective #3 are not projected to be spent until FY 2016-17. Pennsylvania expects to expend these funds before the grant is completed in June 2017. Also, expenditures will increase as CBRAP #1 funds are exhausted.”

PA prog rpt info (thru 6/30/13)*	Obj1	Obj2	Obj3	Obj4	Obj5	Total
EPA share	\$295,000	\$1,465,424	\$632,000	\$274,395	\$250,000	\$2,916,819
PA share	\$0	\$2,284,000	\$632,819	\$0	\$0	\$2,916,819
Total EPA+PA share	\$295,000	\$3,749,424	\$1,264,819	\$274,395	\$250,000	\$5,833,638
Totl EPA+PA expended	\$30,698	\$81	\$0	\$0	\$0	\$30,779
Totl EPA+PA remainder	\$264,302	\$3,749,343	\$1,264,819	\$274,395	\$250,000	\$5,802,859
Totl EPA expended	\$19,334	\$0	\$0	\$0	\$0	\$19,334
Totl EPA remainder	\$275,666	\$1,465,424	\$632,000	\$274,395	\$250,000	\$2,897,485

\*Please note, \$4,320,560 was added to this grant on 9/30/13 (\$2,160,280 EPA and 2,160,280 PA). The new total for the grant is \$10,154,198 (\$5,077,099 EPA and \$5,077,099 PA).

**g. Does this review indicate any need to amend the award?** Response: no

**Verify with recipient if there is enough funding in place to cover expected costs?** If no, provide explanation. (Contact either Lori Mackey or Ronnie Kuczynski for assistance to possibly add funds)

Response: yes As of 10/30/13, \$5,011,061 of EPA funds remaining to be spent by 6/30/17.

- **Are the Project/Budget Period(s) long enough to cover the time that it will take to complete the project?** If no, provide explanation. (Contact either Lori Mackey or Ronnie Kuczynski for assistance prior to requesting time extension request from recipient.)

Response: yes

**h. Does the recipient require any PO/Grant Office approvals/amendments for cost or activities not included in the original award? Respond to the following:**

- **Significant changes or re-budgeting over 10% of award total (as applicable).** Response: no
- **Re-budgeting between direct and indirect costs (Part 30 or 31 recipients only).** Response: no
- **Equipment costs not included in the original award.** Response: no (they were not included in original award)
- **Changes in key personnel.** Response: no
- **Unplanned travel expenses** Response: no

- **Changes in the project's approved scope of work.** Response: no

**3. Technical: POs are responsible for:**

- > comparing the recipient's work plan/application to actual progress under the award.
- > monitoring all activities and the recipient's progress on the project.
- > providing comments to the recipient on the progress reports and other work products.
- > appraising program staff who are responsible for parts of the project/program on issues which need resolution.
- > recommending actions that require the attention of Grants Office or others.

**a. List work plan/application tasks, compare to actual work progress, and identify areas of concern cited in the progress report. Provide a summary of each task and current status:**

Response:

#	Objective	Programmatic Outputs	FY'13-17 Progress
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1	Outreach and Education	<p>A. 10,000+copies of revised “Am I in Compliance?” brochure (Dec. 2014)</p> <p>B. 10,000+ copies of Ag E&amp;S “barn sheet” (Dec. 2014)</p> <p>C. 10,000+ copies of Manure Management “barn sheet” (Dec. 2014)</p> <p>D. Minimum of 20 Manure Management Training sessions hosted by county conservation districts for farmers and ag professionals using the Penn State Manure Management training materials previously developed. (thru June 2017) The expectation is that about \$20,000 of this grant will support another 20 or more of similar training sessions. The actual number will fluctuate, depending on how much of the funds are needed to support additional outreach materials – we may not need 10,000 copies of the various materials - availability of other sources of funds to support training and conservation district needs.</p> <p>E. Ag E&amp;S Training sessions hosted by county conservation districts for farmers and ag professionals using the Penn State PA One Stop materials previously developed. (thru June 2017)</p> <p>F. 4-6 training sessions on PAG-02 in winter-spring 2013. After that, expectations are a minimum of one per year for the five years of this grant for stormwater.</p> <p>G. 3,000 copies of stormwater BMPs installation, operation and maintenance for homeowners’ booklet. Additional copies may be printed as needed.</p>	<p><u>Outputs Progress:</u></p> <p>A. No progress expected until Dec 2014.</p> <p>B. No progress expected until Dec 2014.</p> <p>C. No progress expected until Dec 2014.</p> <p>D. No progress expected until June 2017.</p> <p>E. No progress expected until June 2017.</p> <p>F. 3/4 expected training sessions (PA determined that 3 sessions were sufficient for the need).</p> <p>G. No progress expected until Sept 2017.</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
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2	Enforcement and Compliance Assurance	<p>A. 450 agricultural inspections (annual) beginning in July 2014</p> <p>B. 100 stormwater inspections (annual) beginning in July 2014</p> <p>C. 100 compliance actions (annual) beginning in July 2014. Compliance actions includes both Ag and stormwater, but at this time, only Ag enforcement activities are tracked for this output. DEP will continue to provide progress reports that include tracking of these compliance actions for both ag and stormwater. Enhanced tracking of conservation district stormwater activities will be used and these results will be incorporated into future progress reports as appropriate.</p>	<p><u>Outputs Progress:</u></p> <p>A. No progress expected until July 2014.</p> <p>B. No progress expected until July 2014.</p> <p>C. No progress expected until July 2014.</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
3	Nutrient Managemnt Compliance Assurance	<p>A. 60 outreach activities in 2017.</p> <p>B. Provide assistance to 300 farmers in 2017.</p> <p>C. Train farm consultants in 2017.</p> <p>D. 50 compliance actions/referrals in 2017.</p>	<p><u>Outputs Progress:</u></p> <p>A. No progress expected until 2017</p> <p>B. No progress expected until 2017</p> <p>C. No progress expected until 2017</p> <p>D. No progress expected until 2017</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>

4	Improved Tracking and Accountability	<p>A. Maintain a state tracking systems compatible with Chesapeake Bay Program system for Growing Greener projects, Non-Point Source projects, Nutrient Management Plan activities, and the Chesapeake Bay Implementation Grant.</p> <p>B. On-going support of PA's Farm Visit tracking efforts. This data system was designed to collect locational data for farm operations visited. On-going computer technical support is expected to be required. This system does not currently address BMP data, or compliance with state regs. This may be supported in the future, but the capability does not currently exist. The system was developed track farm visits and to confirm that a farm was visited. This information is not shared. Conservation districts input into the system and reports are pulled quarterly, in support of payments for CD Bay technicians supported thru CBIG. There are no current plans to expand this tracking system. This grant supports the maintenance of the site visit tracking system. However, this system or something similar may be useful in tracking BMP data.</p> <p>C. Assist the reporting of BMP data to the Chesapeake Bay Program for annual progress and biennial milestone data input decks and previously un-reported practices. Provide technical support for stakeholder development of local BMP planning and sub-basin hydrology models.</p> <p>D. Develop data management tool(s) for established stormwater programs to allow for a tracking system that inputs PAG-02 permits, which are processed by the conservation districts into eFACTS.</p>	<p><u>Outputs Progress:</u></p> <p>A. no progress expected until after July 2013. B. no progress expected until after July 2013. C. no progress expected until after July 2013. D. no progress expected until after July 2013.</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
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5	Electronic Discharge Monitoring Report (eDMR) System	<p>A. Collection of “raw” (daily) data from permittees, with automated statistical calculations that comply with PADEP policies for determining DMR reporting results;</p> <p>B. Collection of non-DMR data, such as influent and process control data, hauled-in wastewater information (e.g., oil and gas wastewater), biosolids and sewage sludge management, CSO discharges, etc., which are part of “DMR Supplemental Forms” and are not collected and stored electronically at this time but may be necessary to meet eReporting Rule requirements;</p> <p>C. Compliance assessment of DMR data using both PADEP’s and EPA’s (ICIS’) compliance assessment rules, as PADEP’s rules are in some cases more stringent than EPA’s; and</p> <p>D. Validation of Bay nutrient trading information for compliance purposes by verifying registration data for credits against a nutrient trading database.</p> <p>E. Collection and uploading of all required EPA data elements into the ICIS system. EPA and DEP will negotiate an implementation plan by March 1, 2013 to ensure that these national requirements are met.</p>	<p><u>Outputs Progress:</u></p> <p>A. N/A</p> <p>B. N/A</p> <p>C. N/A</p> <p>D. N/A</p> <p>E. negotiations are ongoing</p> <p>Additional work completed: During this period DEP was able to develop a functional specifications document for the first phase of the new eDMR system. DEP’s eDMR system will be designed in two phases. The first phase is simply a replacement of the existing, faulty eDMR system, and will prepare DEP for most of the requirements of the proposed NPDES Electronic Reporting Rule and allow for mining permittees to begin using the system. The second phase will focus on more detailed elements not currently collected.</p> <p>Refer to Revised Semi-Annual Report (Jan 1, 2013 – June 30, 2013) for additional detail.</p>
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**b. Is the work under the agreement on schedule?** Response: yes, for the most part since most work was not expected to begin until July 2013 (or later). Regarding output F under objective #1 (“4-6 training sessions on PAG-02 in winter-spring 2013”), 3 training sessions were completed and were sufficient to meet needs (so 4 were not needed). Regarding output E under objective #5 (“EPA and DEP will negotiate an implementation plan by March 1, 2013”) EPA and DEP did not negotiate an implementation plan by March 1, 2013 to ensure that these national requirements are met. EPA did not send DEP its “Round 2 State Review Framework” report until after March 1, 2013. DEP received this report in August and provided comments in October. Since then DEP has discussed with EPA the possibility of developing a “data management plan” to satisfy its review recommendations.

**c. Is the actual work being performed within the scope of the recipient’s work plan?** Response: yes

**d. Are the recipient's staff and facilities appropriate to handle the work under the agreement?**

Response: yes

**e. Based upon the progress reports and this review, is the recipient:**

- **Generally submitting progress reports as required in the award and on time?** Response: yes
- **Submitting products/progress reports that are acceptable?** Response: yes
- **Has the recipient been notified in writing that the products/progress reports received to date are acceptable or not acceptable and the project file documented accordingly? If not, please notify the recipient and document the project file as a result of this monitoring review.** Response: yes

**Meeting milestones and/or targets described in the award and/or scope of work?** Response: Refer to response for 3b (page 11)

**Note:** Questions f. and g. pertain to environmental results. If your grant was awarded on or after January 1, 2005, the official date the Environmental Results Policy became effective, answer both g. and h. The CBP Grant and Cooperative Agreement Guidance states that the recipient is required to attach to each applicable performance report (semi-annual, quarterly, or final) an updated Work Plan and Progress Made Performance Results Under Assistance Agreements Form that was submitted with the grant application. If not received, obtain copy from recipient to assist in responding to questions g. and h. and to document file. If your grant was awarded prior to January 1, 2005, answer both questions as "NA".

**f. Is the recipient making agreed-upon progress in meeting environmental results and/or environmental outcomes and outputs (to the maximum extent practicable)** Response: Refer to response for 3b (page 11)

**g. If the recipient is experiencing significant problems meeting agreed-upon outcomes and outputs, has the recipient been required to develop and implement a corrective action plan?**

Response: no

**4. Agreement Specific: POs to discuss which areas apply to this agreement, otherwise, NA:**

>Reviewing progress reports and other work products to assure that the recipient is complying with the applicable programmatic regulations and programmatic terms and conditions in the agreement.

> Notifying Grants Office if the recipient is not complying with the terms and conditions of the agreement,

> Providing technical assistance to recipients when requested or required by the programmatic terms and conditions of the award.

>Assisting the recipient, where appropriate, with the development of a plan to conduct subsequent portions of the project.

**a.) Pre-Award Costs::** (For more information on pre-award costs, please review: 1) GPI-00-02 (a) entitled, “Clarification on GPI 00-02 Modification to Policy Guidance for 40 CFR Part 31 Pre-Award Costs,” (May 3, 2000); 2) 40 CFR 30.25(f)(1) or 40 CFR 30.28 and; 3) 40 CFR 31.23.)

- **Did the recipient incur costs prior to receiving the award?** Response: no
- **If so, was the recipient’s written request approved by the PO, file documented, and included on the assistance agreement?** Response: N/A

**b.) Programmatic Conditions, Regulatory, and Statutory Requirements:**

**1. Programmatic Conditions:**

**a. Is the recipient complying with applicable programmatic terms and conditions of the award?**

Response: yes

**b. Has the recipient submitted Quality Assurance Project Plan (s) (QAPP)? If not applicable, list N/A?** Response: Yes.

**c. Has the recipient submitted Quality Management Plan(s) (QMP)? If not applicable, list N/A?**

Response: yes

**d. If applicable, is an approved QMP/QAPP plan documented in file?**

(If QMP/QAPP not in file or approved, find out why? Contact is Mary Ellen Ley.)

Response: yes

**e. Are all personnel responsible for implementing the QMP/QAPP familiar with its requirements?**

Response: N/A

**2. Statutory and Regulatory Requirements: (Statutory pertains to Clean Water Act, Sec 117; Regulatory pertains to 40 CFR Part 30 for Non-Profit Organizations and Universities and Part 31 for State and Local Governments.)**

**a. Have all Statutory requirements been met?** Response: In support of the Clean Water Act, Section 117, this project supports reduction of nutrient and sediment loads that cause or contribute to the impairment of water quality standards in the Chesapeake Bay and its tidal tributaries, which is in support of Chesapeake 2000 Agreement - Water Quality Protection & Restoration - to achieve and maintain the Water Quality necessary to support the aquatic living resources of the Bay and its tributaries and to protect human health.

**b. Have all Regulatory requirements been met? (Use this statement provided the requirements in the applicable 40 CFR Part 30 or 31 requirements are being met.)** Response: All regulatory requirements are being met.

**c.) Equipment/Supplies:**

**1. Did the recipient purchase equipment as planned in the agreement and was it used as planned?**  
Response: N/A (none requested in original agreement)

If so, request a list of equipment indicating each item purchased and the date and dollar amount of purchase. Attach list to this protocol. (Note: Each item and its cost must be approved in recipient's budget and purchased only during the budget/project period of this assistance agreement.)

**2. Did the recipient purchase supplies as planned in the agreement and was it used as planned?**  
Response: N/A (none requested in original agreement)  
(Note: Requested and approved supplies should represent only the supplies that are needed to complete the approved workplan. Supplies must be purchased only during the budget/project period of this assistance agreement.)

**d.) Travel: Was this authorized in the agreement and was it carried out appropriately?**  
Response: yes

**e.) Conferences: Did the conference comply with the Best Practices Guide for Conferences?**  
Response: N/A

**f.) Contracting practices: Written Code of Conduct/Ethics: Federal regulations require recipients to establish codes of conduct to eliminate any potential conflict of interest and to establish disciplinary actions for those violating the standards. Note: (The minimum requirements are outlined in 40 CFR 30.42, Non-Profit Organizations, Universities; 40 CFR 31.36(3), State and Local Governments.)**

**1. Contractual Costs: Were contractual/subcontract costs authorized in the assistance agreement? Costs must be approved in the contractual budget category in the assistance agreement.**  
Response: yes

**a. If yes, answer the following questions:**

- are costs consistent with the approved work plan? yes
- budget category reflects funds for contracting? yes
- the recipient reprogrammed funds to contracting? no
- subcontracts SOW consistent with scope of the assistance agreement? yes

**2. Does grant recipient have written contracting procedures?** Response: yes

**3. Competition: Was the contract competed/sole source; files documented?** Response: yes – they are attached to all DEP contracting documents.

**g. Subawards: Subaward Policy, effective May 15, 2007, requires all new awards and supplemental amendments awarded on or after May 15, 2007 must meet the requirements of the Directive. Subaward costs must be included under the “Other” budget cost category in the assistance agreement.**

**1. Does the work plan contain subaward work?** Response: yes

**a. If yes, does the recipient have subawards pertinent to the agreement/amendment work plan?**  
Response: yes

**b. If yes, is the recipient complying with the subaward policy requirements?** yes

**h.) Program Income: (POs must work with the recipient to resolve program-income related issues on agreements that generate program income.)**

**• Did the project generate unanticipated program income?** Response: N/A

**i.) EPA-Furnished In Kind: Was this satisfactorily used in the assistance agreement?**  
Response: N/A

**j.) Recipient Furnished/Third Party In Kind:**

**• Met the conditions under 40 CFR 30.23 and 40 CFR 31.24?** Response: N/A

**• Were any adjustments made to the cost share?** Response: N/A

**5. Closeout Process (Applicable to Closeout Review): Closeout of the award occurs when all applicable administrative actions and all required work of the grant has been completed.**

**Note: (Project Officer should be aware of the recipients responsibility in the closeout process and review the general regulations (40 CFR 30.71 Universities & Non-Profits and 40 CFR 31.50 State and Local Governments) on Closeout Requirements with grantee.)**

**a. Are any funds remaining? If so, why and what tasks were not completed?** Response: N/A

**b. Has the Final Technical Report been submitted, reviewed, and approved?** Response: N/A

**c. Equipment/Supplies:** Project Officers should be aware and review with the recipient the disposition requirements outlined in 40 CFR 30.34 and 30.35 for Non-Profit Organizations and Universities; 40 CFR 31.32 and 31.33 for State and Local Governments. If the recipient no longer needs the equipment, please request from the recipient a list of equipment purchased, its fair market value and date of purchase.

- Is the recipient keeping the equipment? Response: N/A

- Is the recipient keeping the supplies? Response: N/A

**6. Based upon PO review and knowledge of this award, does PO recommend:**  
(Yes or No Response required)

**a. Award Amendment:** Prior to responding, refer back to Part II, Items 2g & 2h on this report.  
Response: no

**b. Advanced Programmatic Monitoring:** If needed, discuss with Lori or Ronnie to either add to current list, if not already on, or next year's PO Advanced Programmatic Monitoring List in the Post Award Monitoring Plan. Response: no

**c. Administrative Review completed by Grants Office:** Respond "No". If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question. Response: no

**d. OIG Referral:** Respond "No" If major concerns exist to check "Yes", discuss with Lori or Ronnie prior to responding to this question. Response: no

**e. More Frequent Baseline Monitoring Reviews (less than every six months)** Response: no

**7. Project Officer Suggestions and Recommendations (define as either major or minor):**

**Note:** (Recommendations should have corresponding routes to/for resolution specified in report. Also, when major recommendations are made, EPA should explicitly require the recipient to develop and submit a corrective action plan to address the major recommendation.)

Response: Minor

- EPA is concerned about the drawdown rate for this grant. Please provide PADEP's plan for spending all of the remaining EPA funds by the end of the budget period when you submit your next progress report.
- The next semi-annual progress report will be due 4/1/14 (but PA has agreed to provide it sooner).
- The next interim Federal Financial Report (FFR) for this grant is due 9/30/14. Needs to be submitted to EPA Las Vegas Finance Center.
- The next MBE/WBE report is due 3/31/14. Please submit to EPA Region III
- Please comply with the provisions in the FY12 and 13 CBP Grant Guidance.



**8. Recipient Recommendations and Suggestions:**

no

**9. Identify any areas where the recipient is significantly meeting or exceeding programmatic expectations:**

Response: N/A

**10. Recommendations for the Grants Office, if any:**

Response: no

**RESOLUTION PLAN AND TIMING - PART III**

**Prepare Corrective Action Plan, if applicable, to address major recommendation(s):**

- 1. Tell the recipient when the corrective action plan is due, and clearly state what should be addressed.**
- 2. Tell the recipient to whom they should send the corrective action plan (EPA contact) and where to send it, including phone number.**

Response: N/A

**Note:**

1. Send a electronic copy of protocol to the recipient for comment.
  2. cc: Ronnie Kuczynski
- (Also, send to Ronnie any follow-up letters sent to recipient, and relevant e-mail messages)